



# Sterne Kessler Goldstein Fox

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\*Admitted only in Maryland  
+Admitted only in Virginia  
•Practice Limited to  
Federal Agencies

December 2, 2004

**WRITER'S DIRECT NUMBER:**  
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**INTERNET ADDRESS:**  
BRIAND@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1632**

Re: U.S. Utility Patent Application  
Application No. 09/843,922; Filed: April 30, 2001  
For: **Negative-Sense RNA Virus Vector for Nerve Cell**  
Inventors: Fukumura *et al.*  
Our Ref: 2144.0270001/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Credit Card Payment Form PTO-2038 in the amount of \$180.00 to cover the appropriate fee;
3. Ninth Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
4. A listing of the 22 cited documents on Form PTO-1449;
5. Copies of the cited documents (AT1-AT8); and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
December 2, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

BJD/nef  
Enclosures

339995\_1.DOC

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

## Complete if Known

Application Number	09/843,922
Filing Date	April 30, 2001
First Named Inventor	Masayuki FUKUMURA
Examiner Name	Kelly, Robert M.
Art Unit	1632
Attorney Docket No.	2144.0270001/RWE/FRC

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 \*\*Charge any deficiencies or credit any overpayments in  
 Deposit Account: the fees to Deposit Acct. No. 19-0036.

Deposit  
Account  
Number  
Deposit  
Account  
Name

19-0036  
Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
Total Claims		Extra Claims	Fee from below
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2) (\$)</b>			

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 180.00

## SUBMITTED BY

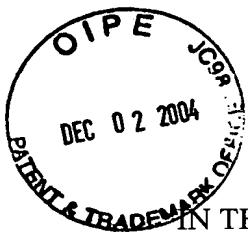
(Complete if applicable)

Name (Print/Type)	Brian J. Del Buono	Registration No. (Attorney/Agent)	42,473	Telephone	(202) 371-2600
Signature				Date	December 2, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fukumura *et al.*

Appl. No.: 09/843,922

Filed: April 30, 2001

For: **Negative-Sense RNA Virus  
Vector for Nerve Cell**

Confirmation No.: 2336

Art Unit: 1632

Examiner: Kelly, Robert M.

Atty. Docket: 2144.0270001/RWE/FRC

**Ninth Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Ninth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Eighth Supplemental Information Disclosure Statement filed on August 30, 2004, in connection with the above-captioned application. A copy of each document is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

In accordance with the Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from related co-pending applications as Documents AT1-AT8. The identification of these Office Actions is not to be construed as a waiver of secrecy as to those Office Actions, nor as to the applications in which those Office Actions have been issued, now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited Office Actions and the art cited therein during examination of the present application.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038

Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

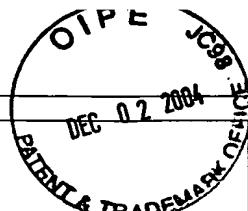
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Registration No. 42,473

Date: Dec. 2, 2004

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Washington, D.C. 20005-3934  
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FORM PTO-1449

NINTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT

ATTY. DOCKET NO.

2144.0270001/RWE/FRC

APPLICATION NO.

09/843,922

FIRST NAMED INVENTOR

Fukumura et al.

FILING DATE

April 30, 2001

ART UNIT

1632

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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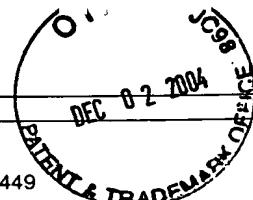
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR			
	AS			
	AT	1		Copy of Office Action mailed October 25, 1999, for United States Patent Application No. 09/070,938, Nagai, Y., et al., filed April 30, 1998

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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## FOREIGN PATENT DOCUMENTS

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AP						Yes No

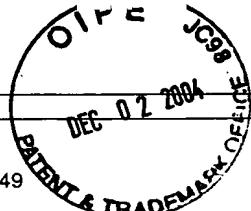
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	Copy of Office Action mailed February 16, 2000, for United States Patent Application No. 09/070,938, Nagai, Y., <i>et al.</i> , filed April 30, 1998
AS	2	Copy of Office Action mailed November 21, 2000, for United States Patent Application No. 09/070,938, Nagai, Y., <i>et al.</i> , filed April 30, 1998
AT	2	Copy of Office Action mailed December 6, 2001, for United States Patent Application No. 09/070,938, Nagai, Y., <i>et al.</i> , filed April 30, 1998

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AN						Yes
AO						No
AP						Yes
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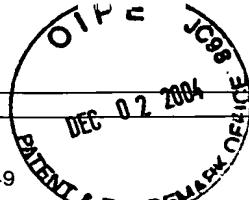
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	Copy of Office Action mailed January 15, 2002, for United States Patent Application No. 09/070,938, Nagai, Y., <i>et al.</i> , filed April 30, 1998
AS	3	Copy of Office Action mailed January 13, 2003, for United States Patent Application No. 09/070,938, Nagai, Y., <i>et al.</i> , filed April 30, 1998
AT	3	Copy of Office Action mailed March 18, 1999, for United States Patent Application No. 09/071,591, Nagai, Y., <i>et al.</i> , filed May 1, 1998

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**FOREIGN PATENT DOCUMENTS**

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AL						Yes
AM						No
AN						Yes
AO						No
AP						Yes
						No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	4	Copy of Office Action mailed December 3, 1999, for United States Patent Application No. 09/071,591, Nagai, Y., <i>et al.</i> , filed May 1, 1998
AS	4	Copy of Office Action mailed August 21, 2000, for United States Patent Application No. 09/471,840, Nagai, Y., <i>et al.</i> , filed December 23, 1999
AT	4	Copy of Office Action mailed May 10, 2001, for United States Patent Application No. 09/471,840, Nagai, Y., <i>et al.</i> , filed December 23, 1999

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DEC 02 2004  
U.S. PATENT & TRADEMARK OFFICE

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AM						Yes No
AN						Yes No
AO						Yes No
AP						Yes No

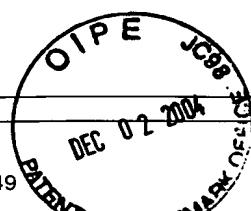
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	5	Copy of Office Action mailed December 6, 2001, for United States Patent Application No. 09/471,840, Nagai, Y., <i>et al.</i> , filed December 23, 1999
AS	5	Copy of Office Action mailed January 15, 2002, for United States Patent Application No. 09/471,840, Nagai, Y., <i>et al.</i> , filed December 23, 1999
AT	5	Copy of Office Action mailed January 13, 2003, for United States Patent Application No. 09/471,840, Nagai, Y., <i>et al.</i> , filed December 23, 1999

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## NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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	AO						Yes No
	AP						Yes No

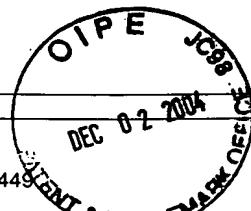
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>6</u>	Copy of Office Action mailed April 11, 2002, for United States Patent Application No. 09/720,003, Akuta, T., et al., filed September 4, 2001
AS	<u>6</u>	Copy of Office Action mailed February 25, 2003, for United States Patent Application No. 09/720,003, Akuta, T., et al., filed September 4, 2001
AT	<u>6</u>	Copy of Office Action mailed January 17, 2003, for United States Patent Application No. 09/720,979, Fukumura, M., et al., filed March 7, 2001

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AP						Yes No

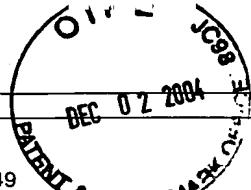
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	7	Copy of Office Action mailed June 8, 2004, for United States Patent Application No. 09/720,979, Fukumura, M., <i>et al.</i> , filed March 7, 2001
AS	7	Copy of Office Action mailed January 24, 2002, for United States Patent Application No. 09/728,207, Nagai, Y., <i>et al.</i> , filed December 1, 2000
AT	7	Copy of Office Action mailed October 18, 2002, for United States Patent Application No. 09/728,207, Nagai, Y., <i>et al.</i> , filed December 1, 2000

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AF						
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AH						
AI						
AJ						
AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL						Yes No
AM						Yes No
AN						Yes No
AO						Yes No
AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>8</u>	Copy of Office Action mailed July 14, 2003, for United States Patent Application No. 09/728,207, Nagai, Y., <i>et al.</i> , filed December 1, 2000
AS	<u>8</u>	Copy of Office Action mailed November 4, 2003, for United States Patent Application No. 09/728,207, Nagai, Y., <i>et al.</i> , filed December 1, 2000
AT	<u>8</u>	Copy of Office Action mailed August 5, 2004, for United States Patent Application No. 09/728,207, Nagai, Y., <i>et al.</i> , filed December 1, 2000

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.